

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY DEWAYNE LEE TURNER,
Plaintiff,
v.
MICHAEL ULLERY, et al.,
Defendants.

No. 2:22-cv-00002-TLN-KJN

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 22, 2022, the magistrate judge filed findings and recommendations herein which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 58.) Plaintiff filed objections to the findings and recommendations. (ECF Nos. 61, 63.)¹

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¹ In his second set of objections, Plaintiff appears to seek further leave to amend. However, Plaintiff did not provide a proposed second amended complaint. As a prisoner, Plaintiff's pleadings are subject to evaluation by this Court pursuant to the in forma pauperis statute. *See* 28 U.S.C. § 1915A. Since Plaintiff did not submit a proposed second amended complaint, the Court is unable to evaluate it. Moreover, Plaintiff also filed such motion on January 17, 2023, which the assigned magistrate judge addressed by separate order.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
3 Court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

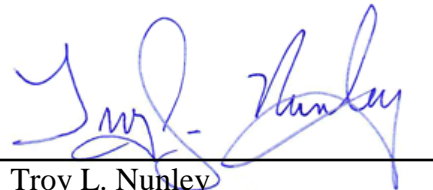
6 1. The Findings and Recommendations filed December 22, 2022, (ECF No. 58) are
7 adopted in full;

8 2. Plaintiff's first claim that Dr. Ratton and Dr. Ullery violated Plaintiff's Eighth
9 Amendment rights by tapering Plaintiff off amlodipine are DISMISSED for failure to state a
10 claim; and

11 3. Dr. Ratton is DISMISSED from this action.

12 **DATED: February 22, 2023**

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Troy L. Nunley
United States District Judge